

REMARKS

Claims 16-19 are currently pending in this application. By this amendment, claim 16 has been amended and claim 19 has been added for the Examiner's consideration. Claim 18 has been cancelled without prejudice or disclaimer. Applicant respectfully submits that the above amendments and added claims do not add new matter to the application and are fully supported by the specification. Support for the amendment(s) and added claims may be found at least at page 6, lines 18-22 of the specification.

In view of the above amendments and the following Remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

Preliminary Matters

Applicant believes that no extensions of time are required at this time. If extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a). Applicant believes that no further fees for net addition of claims are required at this time. Any fees required for extensions of time and any fees for the net addition of claims are hereby authorized to be charged to our Deposit Account No. 23-1951.

Double Patenting Rejection

Claims 16-18 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 3, 11, and 23 of U.S. Patent No. 6,689,470. Applicant respectfully

request that the double patenting rejection be held in abeyance until these claims are deemed otherwise allowable. Upon that time Applicant will consider the submission of a terminal disclaimer to address the double patenting rejection.

Rejections Under 35 U.S.C. § 102

Claims 16 and 17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 6,656,238 issued to Rogers, *et al.* (“Rogers ‘238”). Applicant respectfully requests reconsideration in view of the above amendment. Claim 16 has been amended to include the density range limitation of claim 18. Based on this amendment Applicant respectfully submits that amended claim 16 is not anticipated by Rogers ‘238.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of claims 16 and 17. Since none of the cited references disclose or suggest all the features of the claimed invention, Applicant respectfully submits that independent claim 16 and all the claims that depend therefrom are allowable.

Rejections Under 35 U.S.C. § 103

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rogers ‘238. The limitations of claim 18 have been added to claim 16 and claim 18 has been cancelled. Applicant directs the Examiner to the fact that the present application and Rogers ‘238 are owned by the same entity. U.S. Patent No. 6,656,238 has been assigned to Touchstone Research Laboratory. See Reel/Frame No. 013260/0041. The present application is a continuation of U.S.

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Patent No. 6,689,470 which has been assigned to Touchstone Research Laboratory. See Reel/Frame No. 012142/0191. Accordingly under 35 U.S.C. §103 (c), art under 35 U.S.C. §102(e) owned by the same entity cannot prevent patentability of a claimed invention. Applicant submits that claim 16 which now contains all the limitations of cancelled claim 18 is patentable.

Added Claims

Added claim 19 is directed to additional aspects of the invention, which are not disclosed or suggested in the art of record.

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CONCLUSION

Applicant submits that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is thus respectfully requested to pass the above application to issue.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested. Applicant respectfully requests that a timely Notice of Allowance be issued for this application.

Respectfully submitted,



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